

REMARKS

Claims 1-30 are all the claims presently pending in the application. Claims 1, 5-6, and 11-13 are amended to more clearly define the invention. Claims 1, 5-6, and 11-13 are independent.

These amendments are made only to more particularly point out the invention for the Examiner and not for narrowing the scope of the claims or for any reason related to a statutory requirement for patentability.

Applicant also notes that, notwithstanding any claim amendments herein or later during prosecution, Applicant's intent is to encompass equivalents of all claim elements.

Claims 1-7, 9-26, and 29 stand rejected under 35 U.S.C. § 102(e) as being anticipated by the Logan et al. reference. Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the Logan et al. reference in view of the Menard et al. reference. Claims 27-28 and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Logan et al. reference in view of the Birdwell et al. reference.

These rejections are respectfully traversed in the following discussion.

I. THE CLAIMED INVENTION

The claimed invention is directed to an announcement system that includes a receiver section that receives one or more announcements. Each of the one or more announcements corresponds to a content being provided on one or more content streams. Each of the one or more announcements includes a description about the corresponding content in the one or more of the content streams, a time at which the corresponding content is transmitted on the signal,

and a content identifier. Each of the one or more announcements was created by a party other than a broadcaster of the one or more content streams. The announcement system also includes a controller that compares the one or more announcements to a filter record and that alters a presentation of the content stream in accordance with at least one user preference for altering the presentation when the comparison of the one or more announcements to the filter record indicates a correspondence between the one or more announcements and the at least one user preference for altering the presentation in the filter record.

Altering the presentation includes one of switching a sound device of a presentation device to an ON state, switching the sound device of the presentation device to an OFF state, switching a display apparatus of the presentation device to an ON state, switching a display apparatus of the presentation device to an OFF state, changing the channel on the presentation device, starting a recording operation, and stopping a recording operation.

In other words, the controller of the present invention controls the operating state of the presentation device based upon the description and the time in the announcement and based upon a comparison of the announcement with a filter record which includes at least one user preference for altering the presentation.

As explained in the present specification at, for example, page 7, lines 14-17 and page 11, line 8 through page 13, line 13, a viewer is able to control the operating state of a presentation device by providing preferences in a filter record which indicates a presentation type for content which corresponds with a matching announcement. In this manner, the viewer is able to control the presentation of the content. The present invention enables a viewer to set preferences in the filter record which filters the announcements to determine whether and how the presentation of

the broadcast content is altered.

Further, at least one of the announcements further includes one of authentication and encryption data for verifying the source of the at least one announcement. In this manner, the system may verify that the announcement came from a specified source and can prevent unauthorized use of the information. (Page 10, lines 6 – 11).

II. THE DOUBLE PATENTING REJECTIONS

The Examiner continues to assert double patenting rejections which fail on their face to provide a prima facie cases for obviousness.

The Examiner continues to reject claims 1, 5-6, and 11-13 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 3-7 of the Kwoh et al. reference. Applicant submits that the claims of the patent do not teach the limitations of the present claims.

In the Examiner's "Response to Arguments," the Examiner acknowledges the traversal by the Applicant based upon the facts that: 1) the patented claims recite that the announcements are created by a party other than the broadcaster of the one or more content streams; and 2) the instant claims do not recite that the announcements are created by a party other than the broadcaster of the one or more content streams. Therefore, since the patented claims recite a feature that is not recited by the instant claims, AND absent a teaching and motivation to modify the instant claims, the instant claims are non-obvious over the patented claims.

The Examiner does not contradict these facts.

Thus, the Examiner has failed to present a prima facie case of obviousness by 1) failing

to allege that the patented claims teach or suggest that the announcements do not have to be created by a party other than the broadcaster of the one or more content streams; and 2) by failing to provide any motivation at all for modifying the patented claims to incorporate the broader claim scope of application claim 1.

Further, with respect to claims 18-30, the Examiner appears to acknowledge the Applicants' traversal in the "Response to Arguments" section based upon the fact the claims of the patent do not require that the announcements be provided on a first communication connection that is separate from a second communication connection that provides a content stream. Therefore, the patent claims do not teach or suggest that the announcements be provided on a first communication connection that is separate from a second communication connection that provides a content stream.

The Examiner's Response to Arguments do not contradict these facts. Indeed, the Examiner's remarks confirm these facts.

The Examiner acknowledges that "claims 18-30 recites 'receiver section receives said one or more announcement (sic) via a first communication connection and wherein said one or more content streams are provided on a second communication connection that is separate from said first communication section.'"

Therefore, the Examiner confirms that the claims of the present application require that the announcements be provided on a first communication connection that is separate from a second communication connection that provides a content stream.

However, the Examiner's "Response to Arguments" fails to remedy the deficiencies of the patented claims AND fails to provide any motivation at all. Therefore, the Examiner

continues to fail to present a prima facie case for obviousness.

The Examiner repeats the language found in claim 1 of the patent. In particular, the Examiner points out that claim 1 of the patent recites “a receiver section for receiving a signal; . . .said one or more announcements being selectively added to said signal by any of a broadcaster of said signal and a party other than said broadcaster.”

This statement by the Examiner does not remedy the simple fact that claim 1 of the patent does not require that the announcements be provided on a first communication connection that is separate from a second communication connection that provides a content stream as is recited by the instant claims.

In other words, the Examiner has failed to provide any teaching of the limitations that are found in the instant claims, with which the patent claim 1 might have been modified to include.

Further, the Examiner again fails to provide any motivation at all to support the Examiner’s obviousness rejection and, therefore, fails to present a prima facie case for obviousness.

Indeed, the Examiner makes no attempt whatsoever to provide any motivation to modify the patent claims to arrive at the instant claims.

Therefore, the Examiner’s double patenting obviousness rejection fails on its face.

Applicant respectfully request withdrawal of this rejection.

III. THE PRIOR ART REJECTIONS

A. The Logan et al. reference

Regarding the rejection of claims 1-7, 9-26, and 29, the Examiner continues to allege that

the Logan et al. reference teaches the claimed invention. Applicant submits, however, that there are elements of the claimed invention which are neither taught nor suggested by this reference.

None of the applied references teaches or suggests the features of the claimed invention including an announcement that includes one of authentication and encryption data for verifying the source of the at least one announcement. As explained above, this feature is important for verifying that the announcement came from a specified source and preventing unauthorized use of the information.

The Logan et al. reference does not teach or suggest these features. The Logan et al. reference discloses user selectable edit signals (marking signals) that provide instructions to modify a broadcast programming signal. The Logan et al. reference discloses providing a database with topic data signals that may represent user-preferred topics with which a programming signal may also be edited. However, the Logan et al. reference does not teach or suggest anything at all that is even remotely related to verifying that such marking signals or topic data signals came from a specified source, or to preventing the unauthorized use of such information.

Therefore, the Logan et al. reference does not teach or suggest each and every element of the claimed invention and the Examiner is respectfully requested to withdraw this rejection of claims 1-7, 9-26, and 29.

B. The Logan et al. reference in view of the Menard et al. reference

Regarding the rejection of claim 8, the Examiner alleges that the Menard et al. reference would have been combined with the Logan et al. reference to form the claimed invention.

Applicant submits, however, that these references would not have been combined and, even if combined, the combination would not teach or suggest each and every element of the claimed invention.

None of the applied references teaches or suggests the features of the claimed invention including an announcement that includes one of authentication and encryption data for verifying the source of the at least one announcement. This feature is important for verifying that the announcement came from a specified source and preventing unauthorized use of the information. As explained above, the Logan et al. reference does not teach or suggest these features.

The Menard et al. reference does not remedy these deficiencies.

Indeed, like the Logan et al. reference, the Menard et al. reference does not teach or suggest anything at all that is even remotely related to verifying that such marking signals or topic data signals came from a specified source, or to preventing the unauthorized use of such information.

Moreover, Applicant submits that these references would not have been combined as alleged by the Examiner. Indeed, the references are directed to completely different and unrelated matters and problems.

Specifically, the Logan et al. reference discloses modifying programming based upon marking signals received from an editing station. In particular, the Logan et al. reference discloses an editing station 42 for generating marking signals for modifying a broadcast signal (col. 6, lines 54-57 and col. 7, lines 1-28). A processing unit 34 modifies the broadcast programming signal in accordance with the marking signals received from the editing station 42 (see col. 7, lines 28 - 37). Therefore, the Logan et al. reference is concerned with editing the

content of a broadcast programming signal.

In contrast, the Menard et al. reference is specifically directed to a system for monitoring broadcast signals to detect content which may be of interest to individual viewers (col. 1, lines 7-9) and specifically directed to automating that process (col. 1, lines 24-36). In particular, the Menard et al. reference discloses a system which stores a profile database and automatically compares the content being received with the profile database and alerting a viewer if a match is detected (col. 1, line 66 - col. 2, line 18).

One of ordinary skill in the art who was concerned with modifying programming based upon marking signals received from an editing station, as the Logan et al. reference is concerned, would not have referred to the Menard et al. reference, and vice-versa, because the Menard et al. reference is concerned with the completely different and unrelated problem of automating the monitoring of broadcast signals to detect content which may be of interest to individual viewers. Thus, the references would not have been combined.

Therefore, in stark contrast to the system disclosed by the Logan et al. reference which is directed to modifying programming, the Menard et al. reference is concerned only with monitoring the programming to determine whether the content may be of interest. Thus, the references would not have been combined, absent hindsight.

Therefore, the Examiner is respectfully requested to withdraw this rejection of claim 8.

C. The Logan et al. reference in view of the Fernandez et al. reference

Regarding the rejection of claim 8, the Examiner alleges that the Fernandez et al. reference would have been combined with the Logan et al. reference to form the claimed

invention. Applicant submits, however, that these references would not have been combined and, even if combined, the combination would not teach or suggest each and every element of the claimed invention.

None of the applied references teaches or suggests the features of the claimed invention including an announcement that includes one of authentication and encryption data for verifying the source of the at least one announcement. This feature is important for verifying that the announcement came from a specified source and preventing unauthorized use of the information.

As explained above, the Logan et al. reference does not teach or suggest these features.

The Fernandez et al. reference does not remedy these deficiencies.

Indeed, like the Logan et al. reference, the Fernandez et al. reference does not teach or suggest anything at all that is even remotely related to verifying that such marking signals or topic data signals came from a specified source, or to preventing the unauthorized use of such information.

Moreover, Applicant submits that these references would not have been combined as alleged by the Examiner. Indeed, the references are directed to completely different and unrelated matters and problems.

Specifically, the Logan et al. reference discloses modifying programming based upon marking signals received from an editing station. In particular, the Logan et al. reference discloses an editing station 42 for generating marking signals for modifying a broadcast signal (col. 6, lines 54-57 and col. 7, lines 1-28). A processing unit 34 modifies the broadcast programming signal in accordance with the marking signals received from the editing station 42 (see col. 7, lines 28 - 37). Therefore, the Logan et al. reference is concerned with editing the

content of a broadcast programming signal.

In contrast, the Fernandez et al. reference is specifically directed to the completely different and unrelated problems of remote surveillance and communications technology for monitoring and processing remote and/or local moveable objects. (Col. 1, lines 1 - 50).

One of ordinary skill in the art who was concerned with modifying programming based upon marking signals received from an editing station, as the Logan et al. reference is concerned, would not have referred to the Fernandez et al. reference, and vice-versa, because the Fernandez et al. reference is directed to the completely different and unrelated problems of remote surveillance and communications technology for monitoring and processing remote and/or local moveable objects. Thus, these references would not have been combined

Therefore, the Examiner is respectfully requested to withdraw this rejection of claim 8.

D. The Logan et al. reference in view of the Birdwell et al. reference

Regarding the rejection of claims 27-28 and 30, the Examiner alleges that the Birdwell et al. reference would have been combined with the Logan et al. reference to form the claimed invention. Applicant submits, however, that these references would not have been combined and, even if combined, the combination would not teach or suggest each and every element of the claimed invention.

None of the applied references teaches or suggests the features of the claimed invention including an announcement that includes one of authentication and encryption data for verifying the source of the at least one announcement. This feature is important for verifying that the announcement came from a specified source and preventing unauthorized use of the information.

As explained above, the Logan et al. reference does not teach or suggest these features.

The Birdwell et al. reference does not remedy these deficiencies.

Indeed, like the Logan et al. reference, the Birdwell et al. reference does not teach or suggest anything at all that is even remotely related to verifying that such marking signals or topic data signals came from a specified source, or to preventing the unauthorized use of such information.

Clearly, these novel features are not taught or suggested by the Birdwell et al. reference.

Therefore, the Examiner is respectfully requested to withdraw the rejection of claims 27-28 and 30.

IV. FORMAL MATTERS AND CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully submits that claims 1-30, all the claims presently pending in the Application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the Application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

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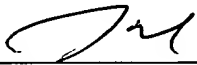
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The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Assignee's Deposit Account No. 50-0510.

Respectfully Submitted,

Date:

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